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REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Report of the Special Political and Decolonization Committee
(Fourth Committee)

Rapporteur: Mr. El Walid DOUDECH (Tunisia)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).

2. The Fourth Committee considered the item at its 21st and 22nd meetings, on 25 and 27 November 1996 (see A/C.4/51/SR.21 and 22). The general debate on the item took place at the 21st and 22nd meetings, on 25 and 27 November.

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General submitted in pursuance of General Assembly resolution 50/29 A (A/51/514);

(b) Report of the Secretary-General submitted in pursuance of General Assembly resolution 50/29 B (A/51/516);

(c) Report of the Secretary-General submitted in pursuance of General Assembly resolution 50/29 C (A/51/517);

(d) Report of the Secretary-General submitted in pursuance of General Assembly resolution 50/29 D (A/51/518);

(e) Letter dated 2 April 1996 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General (A/50/915-S/1996/235);

(f) Note by the Secretary-General transmitting the periodic reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/51/99 and Add.1-3);

(g) Letter dated 27 August 1996 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General (A/51/310);

(h) Letter dated 25 September 1996 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/51/407-S/1996/786);

(i) Letter dated 26 September 1996 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/51/411-S/1996/791);

(j) Letter dated 28 September 1996 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/51/429-S/1996/804).

4. At the 21st meeting, on 25 November, the representative of Sri Lanka, Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the reports of that Committee (A/51/99 and Add.1-3) (see A/C.4/51/SR.21).

5. At the same meeting, the Permanent Observer of Palestine to the United Nations made a statement (see A/C.4/51/SR.21).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.4/51/L.19

6. At the 22nd meeting, on 27 November, the representative of Cuba, on behalf of Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates and Yemen, introduced a draft resolution entitled "Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" (A/C.4/51/L.19).

7. At the same meeting, the Committee adopted draft resolution A/C.4/51/L.19 by a recorded vote of 69 to 2, with 59 abstentions (see para. 19, draft resolution I).[1] The voting was as follows:[2]

In favour: Algeria, Azerbaijan, Bahrain, Bangladesh, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Gabon, Ghana, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Oman, Pakistan, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Andorra, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bolivia, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia (Federated States of), Mongolia, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

B. Draft resolution A/C.4/51/L.20

8. At the 22nd meeting, on 27 November, the representative of Cuba, on behalf of Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates and Yemen, introduced a draft resolution entitled "Application of the Geneva Convention

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[1] Statements in explanation of vote were made by the representatives of Israel, the United States of America, the Russian Federation, Australia, Canada, Argentina, the Islamic Republic of Iran, Ireland (on behalf of the European Union), Ecuador and Japan (see A/C.4/51/SR.22).

[2] Subsequently, the delegations of Venezuela and Angola informed the Committee that had they been present at the time of the vote, they would have voted in favour of the draft resolution.

relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories" (A/C.4/51/L.20).

9. At the same meeting, the Committee adopted draft resolution A/C.4/51/L.20 by a recorded vote of 129 to 2, with 4 abstentions (see para. 19, draft resolution II).[1] The voting was as follows:[2]

In favour: Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Costa Rica, Marshall Islands, Micronesia (Federated States of), Panama.

C. Draft resolutions A/C.4/51/L.21 and Rev.1

10. The Committee had before it a draft resolution entitled "Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan" (A/C.4/51/L.21), submitted by Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates and Yemen.

11. At the 22nd meeting, on 27 November, the representative of Cuba, on behalf of the same sponsors, introduced a revised draft resolution (A/C.4/51/L.21/Rev.1), which contained the following changes:

(a) The end of the third preambular paragraph, which had read "and to the other occupied Arab territories", was revised to read "and to the occupied Syrian Golan";

(b) Operative paragraph 1, which had read:

"1. Reaffirms that colonial Israeli settlements in the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967 are illegal and an obstacle to peace and economic and social development";

was revised to read:

"1. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development";

(c) In operative paragraph 2, the words "to other occupied Arab territories" were replaced by the words "to the occupied Syrian Golan";

(d) In operative paragraph 3, the word "illegal" was inserted before "Israeli settlement activities".

12. Before the vote on draft resolution A/C.4/51/L.21/Rev.1, the representative of Norway proposed an oral amendment to the fourth preambular paragraph, by which the words "Aware of" would be replaced by the word "Welcoming".

13. At the same meeting, the Committee adopted draft resolution A/C.4/51/L.21/Rev.1, as orally amended, by a recorded vote of 126 to 3, with 6 abstentions (see para. 19, draft resolution III).[1] The voting was as follows:[3]

In favour: Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru,

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[3] Subsequently, the delegation of Jamaica informed the Secretariat that had it been present at the time of the vote, it would have voted in favour of the draft resolution.

Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, Micronesia (Federated States of), United States of America.

Abstaining: Costa Rica, Guatemala, Jamaica, Marshall Islands, Panama, Uruguay.

D. Draft resolution A/C.4/51/L.22

14. At the 22nd meeting, on 27 November, the representative of Cuba, on behalf of Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates and Yemen, introduced a draft resolution entitled "Israeli practices affecting the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem" (A/C.4/51/L.22).

15. At the same meeting, the Committee adopted draft resolution A/C.4/51/L.22 by a recorded vote of 125 to 2, with 7 abstentions (see para. 19, draft resolution IV).[1] The voting was as follows:

In favour: Algeria, Andorra, Angola, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United

Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Argentina, Costa Rica, Guatemala, Marshall Islands, Micronesia (Federated States of), Panama, Uruguay.

E. Draft resolutions A/C.4/51/L.23 and Rev.1

16. The Committee had before it a draft resolution entitled "The occupied Syrian Golan", submitted by Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Lebanon, Malaysia, Mauritania, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen (A/C.4/51/L.23).

17. At the 22nd meeting, on 27 November, the representative of Cuba, on behalf of the same sponsors, introduced draft resolution A/C.4/51/L.23/Rev.1, by which a new first preambular paragraph was added, which read:

"Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

18. At the same meeting, the Committee adopted draft resolution A/C.4/51/L.23/Rev.1 by a recorded vote of 127 to 1, with 6 abstentions (see para. 19, draft resolution V).[1] The voting was as follows:

In favour: Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United

Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Costa Rica, Guatemala, Marshall Islands, Micronesia (Federated States of), United States of America, Uruguay.

III. RECOMMENDATIONS OF THE SPECIAL POLITICAL AND DECOLONIZATION COMMITTEE (FOURTH COMMITTEE)

19. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the principles of international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[4] as well as international standards of human rights, in particular the Universal Declaration of Human Rights[5] and the International Covenants on Human Rights,[6]

Recalling its relevant resolutions, including resolution 2443 (XXIII) of 19 December 1968, and relevant resolutions of the Commission on Human Rights,

Recalling also relevant resolutions of the Security Council,

Aware of the lasting impact of the uprising (intifadah) of the Palestinian people,

Convinced that occupation itself represents a primary violation of human rights,

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[4] United Nations, Treaty Series, vol. 75, No. 973.

[5] Resolution 217 A (III).

[6] Resolution 2200 A (XXI), annex.

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories[7] and the relevant reports of the Secretary-General,[8]

Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization in Washington on 13 September 1993,[9] as well as the subsequent implementation agreements, including the Interim Agreement on the West Bank and the Gaza Strip signed in Washington on 28 September 1995,

Expressing the hope that, with the progress of the peace process, the Israeli occupation will be brought to an end and therefore violation of the human rights of the Palestinian people will cease,

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. Demands that Israel cooperate with the Special Committee in implementing its mandate;

3. Deplores those policies and practices of Israel which violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the reports of the Special Committee covering the reporting period;

4. Expresses concern over the recent deterioration of the situation in the occupied Palestinian territory, including Jerusalem, as a result of Israeli practices and measures and the impasse facing the Middle East peace process;

5. Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

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[7] See A/51/99 and Add.1-3.

[8] A/51/514 and A/51/516 to A/51/518.

[9] A/48/486-S/26560, annex.

6. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory, including Jerusalem;

7. Further requests the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

8. Requests the Secretary-General:

(a) To provide all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its fifty-second session on the tasks entrusted to him in the present resolution;

9. Decides to include in the provisional agenda of its fifty-second session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

DRAFT RESOLUTION II

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories

The General Assembly,

Recalling its relevant resolutions,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other

Arabs of the Occupied Territories[7] and the relevant reports of the Secretary-General,[8]

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[4] is applicable to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

2. Demands that Israel accept the de jure applicability of the Convention in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. Calls upon all States parties to the Convention, in accordance with article 1 common to the four Geneva Conventions,[10] to exert all efforts in order to ensure respect for its provisions by Israel, the occupying Power in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

4. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

DRAFT RESOLUTION III

Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[4] to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan,

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[10] United Nations, Treaty Series, vol. 75, Nos. 970-973.

Welcoming the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[9] and the Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,

Expressing grave concern over the decision of the Government of Israel to resume settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

Gravely concerned in particular about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994,

Taking note of the report of the Secretary-General,[11]

1. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. Calls upon Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[4] to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. Demands complete cessation of all illegal Israeli settlement activities;

4. Stresses the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory.

DRAFT RESOLUTION IV

Israeli practices affecting the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem

The General Assembly,

Recalling its relevant resolutions and the resolutions of the Commission on Human Rights,

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[11] A/51/517.

Bearing in mind the relevant resolutions of the Security Council, the most recent of which are resolutions 904 (1994) of 18 March 1994 and 1073 (1996) of 28 September 1996,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[7] and the reports of the Secretary-General,[8]

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[4] to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization in Washington on 13 September 1993,[9] as well as the subsequent implementation agreements, including the Interim Agreement on the West Bank and the Gaza Strip signed in Washington on 28 September 1995,

Noting the withdrawal of the Israeli army, which took place in the Gaza Strip and the Jericho Area in accordance with the agreements reached between the parties, and the initiation of the Palestinian Authority in those areas,

Noting also the redeployment of the Israeli army from six cities in the West Bank,

Concerned about the continuing violation of the human rights of the Palestinian people by Israel, the occupying Power, especially the use of collective punishment, closure of areas, annexation and establishment of settlements and the continuing actions by it designed to change the legal status, geographical nature and demographic composition of the occupied Palestinian territory, including Jerusalem,

Expressing its deep concern in particular over the closure by the Israeli authorities of the occupied Palestinian territory, including Jerusalem, which prevents the freedom of movement of persons and goods and is the cause of great economic and social hardship, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the agreements reached between the two sides,

Convinced of the positive impact of a temporary international or foreign presence in the occupied Palestinian territory for the safety and protection of the Palestinian people,

Expressing its appreciation to the countries that participated in the Temporary International Presence in Hebron for their positive contribution,

Convinced of the need for the full implementation of Security Council resolutions 904 (1994) and 1073 (1996),

1. Determines that all measures and actions taken by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council, are illegal and have no validity and that such measures should cease immediately;

2. Demands that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people;

3. Calls for an immediate end of the closure and the assurance of the freedom of movement of persons and goods within the Palestinian territory and with the outside world in conformity with international law and the agreements reached;

4. Calls upon Israel, the occupying Power, to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in line with agreements reached;

5. Calls for complete respect by Israel, the occupying Power, of all fundamental freedoms of the Palestinian people, pending the extension of the self-government arrangements to the rest of the occupied territory;

6. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

DRAFT RESOLUTION V

The occupied Syrian Golan

The General Assembly,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories,[12]

Deeply concerned that the Syrian Golan occupied since 1967 has been under continued Israeli military occupation,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the last of which was 50/29 D of 6 December 1995,

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[12] The most recent report is contained in documents A/51/99/Add.2 and 3.

Having considered the report of the Secretary-General of 17 October 1996,[13]

Recalling further its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention elative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[4] to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and stressing the need for rapid progress in all bilateral negotiations,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decisions;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Further calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan,

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[13] A/51/518.

and to desist from its repressive measures against the population of the occupied Syrian Golan;

5. Deplores the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.